

IN RE: PETITION FOR SPECIAL HEARING
Intersection of the NW/8 of
Silver Lane & SE/S Poplar Road
(2222 Poplar Road)
15th Election District
5th Councilmanic District
Red Eye Yacht Club
Petitioners

* BEFORE THE
* ZONING COMMISSIONER
* OF BALTIMORE COUNTY
* Case No. 89-41-SPH

FINDINGS OF FACT AND CONCLUSIONS OF LAW

The Petitioners herein request a special hearing to approve the nonconforming use of a portion of the subject property for parking and a 25% expansion of such use for additional parking, in accordance with Petitioner's Exhibit 1.

The Petitioners, by John A. Dellepe, Commodore, appeared, testified and was represented by John Gontrum, Esquire. Robert J. Romadka, Esquire, and District Court Judge Charles E. Foos, III appeared as witnesses on behalf of the Petition. Also appearing on behalf of the Petition was William M. Bafitis, registered Professional Engineer. The following individuals appeared as Protestants: Lisa Neukam, President of the Holly Neck Improvement Association, Regina Beasman and Melvin J. Topa, Jr., all residents on Poplar Road.

Testimony indicated that the subject property, known as 2222 Poplar Road, consists of 1.164 acres more or less of which 0.789 acres (Parcel 1) are zoned B.L. and 0.375 acres (Parcel 2) are zoned R.C. 5. The subject property is located within the Chesapeake Bay Critical Areas on Sue Creek, across from and at the corner of Poplar Road and Silver Lane. Parcel 1 is the waterfront portion of the subject property and is improved with an existing two-story single family dwelling used as the headquarters for the Red Eye Yacht Club. Parcel 2 is located across from

Parcel 1 and is improved with a dilapidated one-story dwelling and other miscellaneous outbuildings and has been primarily used as a parking area for patrons of the Red Eye Yacht Club. Testimony indicated that conditions of the improvements on Parcel 2 are a source of great distress to many of the residential property owners in the area adjoining both Poplar Road and Silver Lane. Testimony indicated that at the present time 53 parking spaces are provided on Parcel 2. Petitioners propose razing the existing dwelling on Parcel 2 and expanding the parking area a maximum of 25% to provide additional parking for its patrons.

Testimony presented by Judge Foos indicated that he lived across from the subject property on Poplar Road from 1940 until 1956 and that he regularly visited the Red Eye Yacht Club from the 1940s through the 1970s. He testified that Parcel 2 has always been used as a parking lot, albeit a very impromptu parking lot, which has never been formally established as such and has always been a subject of debate between the Petitioner's patrons and residents. Testimony indicated the extent of its use as a parking lot is debatable. Judge Foos further testified that parking existed over the larger portion of Parcel 2.

Mr. Romadka testified that he began visiting the subject property as early as 1951 when the property was then used by a Democratic Club of which he was a member. He further testified that he has been to many functions held at the Red Eye Yacht Club over the years and that Parcel 2 has always been used for parking. Again, the exact extent of parking on this property is debatable. However, it is clear that Parcel 2 has contained an old dwelling, some outbuildings, and possibly a small garden, but that a large portion of the lot has always been used for parking.

-2-

Testimony presented by the Protestants indicated that they are opposed to the parking area being located in the residential portion of the neighborhood. It is their opinion that if the Petitioner has a right to exist on Parcel 1, parking for its use should be on Parcel 1 as well. The Protestants are of the opinion that the operation of this type of recreational facility is burdensome and inconsistent with the surrounding residential uses. The Protestants further complained about the behavior of some of the patrons visiting the site, that patrons drive recklessly on the residential streets, park on their properties, and leave trash and debris behind. The Protestants' complaints mainly referred to the undesirability of the use of the subject property.

Further testimony presented by the Protestants indicated their opposition as to the nature and extent of the parking. They argued that parking has always been limited to the area closest to the Red Eye Yacht Club, that there was never any parking around the houses on the two parcels. The Protestants further argued that any expansion of the parking is an improper expansion of the nonconforming use. The Protestants would like to have the parking area paved over and wheel stops and railroad ties installed to specifically mark the parking area. The Protestants also want the existing trees protected so that they are not killed or removed as a result of the expansion. In addition, the Protestants requested that "No Parking" signs be erected along Poplar Road and Silver Lane to discourage parking by patrons along these residential routes and they want "No Trespassing" signs placed throughout the residential area. While the Protestants' concerns are legitimate, the Zoning Commissioner does not have the authority to establish or enforce "No Parking" or "No Trespassing" areas.

-3-

Zoning came officially to Baltimore County on January 2, 1945, when, pursuant to previous authorization by the General Assembly, the County Commissioners adopted a comprehensive set of zoning regulations.

The Commissioners were first authorized to adopt comprehensive planning and zoning regulations in 1939 (Laws of Maryland, 1939, ch. 715). At the next biennial session of the General Assembly, this authorization was repealed, and a new authorization was enacted (Laws of Md., 1941, ch. 247). Before any such regulations were issued, the Legislature authorized the Commissioners to make special exceptions to the regulations (Laws of Md., 1943, ch. 877). The first regulations were adopted and took effect on January 2, 1945. See Kahl v. Cons. Gas Elec. Light. and Pwr. Co., 191 Md. 249, 254, 60 A.2d 754 (1948); Calhoun v. County Board of Appeals, 262 Md. 265, 277 A.2d 589 (1971).

Section 11 of those regulations created seven zones, four being residential, one commercial, and two industrial. See McKemy v. Baltimore County, Md., 39 Md. App. 257, 385 A.2d 96 (1978).

Those original regulations provided for nonconforming uses. The statute read as follows:

"A lawful nonconforming use existing on the effective date of the adoption of these regulations may continue, provided, however, upon any change from such nonconforming use to a conforming use, or any attempt to change from such nonconforming use to a different nonconforming use or any discontinuance of such nonconforming use for a period of one year, or in case a forming use for a period of one year, or in case a nonconforming structure shall be damaged by fire or otherwise to the extent of seventy-five (75%) percent of its value, the right to continue to resume such nonconforming use shall terminate, provided, however, that any such lawful nonconforming use may be extended or enlarged to an extent not more than once again the area of the land used in the original nonconforming use." Section XI, 1945, B.C.Z.R.

-4-

Baltimore County adopted a new set of comprehensive zoning regulations on March 30, 1955. The issue of nonconforming uses are dealt with in Section 104 of those regulations. The Section then read:

"104.1 - A lawful nonconforming use existing on the effective date of the adoption of these regulations may continue, provided that upon any change from such nonconforming use to any other use whatsoever, or any abandonment or discontinuance of such nonconforming use for a period of one year or more, or in case any nonconforming business or manufacturing structure shall be damaged by fire or other casualty to the extent of seventy-five (75%) percent of its replacement cost at the time of such loss, the right to continue or resume such nonconforming use shall terminate. No nonconforming building or structure and no nonconforming use of a building, structure, or parcel of land shall hereafter be extended more than 25% of the ground floor area of buildings so used."

Section 104.1 was changed to its current language on March 15, 1976 by Bill No. 18-76. The current effective regulation reads as follows:

"A nonconforming use (as defined in Section 101) may continue except as otherwise specifically provided in these Regulations; provided that upon any change from such nonconforming use to any other use whatsoever, or any abandonment or discontinuance of such nonconforming use for a period of one year or more, or in case any nonconforming business or manufacturing structure shall be damaged by fire or other casualty to the extent of seventy-five (75%) percent of its replacement cost at the time of such loss, the right to continue or resume such nonconforming use shall terminate. No nonconforming building or structure and no nonconforming use of a building, structure, or parcel of land shall hereafter be extended more than 25% of the ground floor area of buildings so used. (B.C.Z.R., 1955; Bill No. 18, 1976)"

On August 4, 1980, the current language found in Section 104.2 was added to the B.C.Z.R. by Bill No. 167-80. This regulation placed an exception upon the general nonconforming rule for Special Exception office buildings. The second reads as follows:

"Exception. Any contrary provision of these regulations notwithstanding, an office building that was authorized by grant of a special exception and that

becomes damaged to any extent or destroyed by casualty may be fully restored in accordance with the terms of the special exception. (Bill No. 167, 1980)"

As with all non-conforming use cases, the first task is to determine what lawful non-conforming use existed on the subject property prior to January 2, 1945, the effective date of the adoption of the Zoning Regulations and the controlling date for the beginning of zoning.

It is clear from the testimony that Parcel 2 of the subject property has been used for parking since the early 1940s. The testimony presented by Petitioner's expert witnesses substantiates that this R.C. 5 zoned portion of the subject property has been used primarily as a parking area by Petitioner since prior to the zoning regulations taking effect.

The second principle to be applied, as specified in Section 104.1, is whether or not there has been a change in the use of the subject property. A determination must be made as to whether or not the change is a different use, and therefore, breaks the continued nature of the nonconforming use. If the change in use is found to be different than the original use, the current use of the property shall not be considered nonconforming. See McKemy v. Baltimore County, Md., 39 Md. App. 257, 385 A.2d 96 (1978).

In the opinion of the Zoning Commissioner, the testimony and evidence presented clearly establishes that the use of the subject property for parking has been continuous and without interruption since the early 1940s and that there has been no change in such use.

When the claimed non-conforming use has changed, or expanded, then the Zoning Commissioner must determine whether or not the current use represents a permissible intensification of the original use or an actual change from the prior legal use. In order to decide whether or not the

-5-

current activity is within the scope of the non-conforming use, the Zoning Commissioner should consider the following factors:

"(a) To what extent does the current use of these lots reflect the nature and purpose of the original non-conforming use,

(b) Is the current use merely a different manner of utilizing the original non-conforming use or does it constitute a use different in character, nature, and kind;

(c) Does the current use have a substantially different effect upon the neighborhood;

(d) Is the current use a "drastic enlargement or extension" of the original non-conforming use."

It is clear that a nonconforming use of Parcel 2 of the subject property as a parking area has existed since at least the early 1940s and that such use has been continuous and without interruption. While the existing dwelling will be razed to provide additional parking space for a portion of the 25% expansion proposed, as set forth in Petitioner's Exhibit 1, the remainder of Parcel 2 has been continuously used for parking over the years and parking in the area where the existing dwelling will be razed will not amount to more than a 25% expansion of an existing use.

It would be inappropriate for the Zoning Commissioner to deny the relief requested simply because the proposed use is less than desirable and because the subject property and parking area for the Red Eye Yacht Club are not acceptable residential uses. The issue herein concerns the nonconforming use of the property for parking. Testimony presented by Mr. Romadka and Judge Foos substantiates that the property has been used continuously and without interruption as a parking area since prior to January, 1945. While the Protestants' complaints are legitimate, such issues do not constitute valid reasons for denying the nonconforming use.

-6-

A nonconforming use has the right to exist if it is truly nonconforming. The testimony clearly established that a valid, nonconforming use exists.

After due consideration of the testimony and evidence presented, in the opinion of the Zoning Commissioner, the relief requested sufficiently complies with the requirements of Section 500.14 of the Baltimore County Zoning Regulations (B.C.Z.R.) and should therefore be granted. There is no evidence in the record that the relief requested would adversely affect the health, safety, and/or general welfare of the public. Furthermore, strict compliance with the B.C.Z.R. would result in practical difficulty and/or unreasonable hardship upon the Petitioner.

The facts and evidence presented tend to establish that special conditions or circumstances exist which are peculiar to the land or structures located within the Chesapeake Bay Critical Areas of Baltimore County; that to deny the relief requested would result in practical difficulty, unreasonable hardship, or severe economic hardship upon the Petitioner; and that strict compliance with the Chesapeake Bay Critical Area requirements and the B.C.Z.R. would deprive the Petitioner of rights commonly enjoyed by other properties in similar areas within the Chesapeake Bay Critical Areas in Baltimore County. The granting of the relief requested will not confer upon the Petitioner any special privilege that would be denied by the critical area regulations to other lands or structures within the Chesapeake Bay Critical Areas. Clearly, the request is not based upon conditions or circumstances which are the result of the Petitioner's actions, nor does the request arise from a condition relating to land or building use, either permitted or non-conforming, on another property. The relief requested is in harmony with the general spirit and intent of

-8-

the Critical Areas legislation for Baltimore County and conforms to the requirements as set forth in Section 500.14 of the B.C.Z.R.

In accordance with Section 500.14 of the B.C.Z.R., the Director of the Department of Environmental Protection and Resource Management has submitted recommendations which describe what steps the Petitioner must take to insure that the relief requested complies with the following Chesapeake Bay Critical Areas requirements to:

- 1) Minimize adverse impacts on water quality that result from pollutants that are discharged from structures or conveyances or that have run off from surrounding lands;
- 2) Conserve fish, wildlife, and plant habitat; and
- 3) Be consistent with established land use policies for development in the Chesapeake Bay Critical Area which accommodate growth and also address the fact that, even if pollution is controlled, the number, movement, and activities of persons in that area can create adverse environmental impacts.

These recommendations shall be attached hereto and become a permanent part of the decision rendered in this case. There is no evidence in the record that the relief requested would adversely affect the health, safety, and/or general welfare of the public provided there is compliance with the requirements of the Department of Environmental Protection and Resource Management as more fully described below.

In an effort to insure the protection of the trees on Parcel 2 and to remove the proposed parking spaces further from the Topa property, I have revised the scale drawing prepared by Petitioner's engineer dated December 27, 1988. This drawing is clearly different from the one proposed by the Petitioner in that it does not provide the same number of parking spaces proposed by the Petitioner. The revised drawing, marked

-9-

Zoning Commissioner's Plan, shows a protected grass area between the Topa property and the southernmost end of the parking lot on Parcel 2.

Pursuant to the advertisement, posting of the property, and public hearing on this Petition held, and for the reasons given above, the relief requested in the Petition for Special Hearing should be granted.

THEREFORE, IT IS ORDERED by the Zoning Commissioner for Baltimore County this 4th day of APRIL, 1989 that the Petition for Special Hearing to approve the nonconforming use of a portion of the subject property for parking and a 25% expansion of such use for additional parking, in accordance with the revised scale drawing prepared by the Zoning Commissioner identified herein as Zoning Commissioner's Plan, be and is hereby GRANTED, subject, however to the following restrictions which are conditions precedent to the relief granted:

1) The Petitioner may apply for his permit and be granted same upon receipt of this Order; however, Petitioner is hereby made aware that proceeding at this time is at his own risk until such time as the 30-day appellate process from this Order has expired. If, for whatever reason, this Order is reversed, the Petitioner would be required to return, and be responsible for returning, said property to its original condition.

2) Petitioner shall comply with all the requirements of the Zoning Plans Advisory Committee as set forth in their comments which have been adopted in their entirety and made a part of this Order.

3) The parking lot shall be paved with a dustless stone of a size and depth to fulfill the needs of this type parking lot, as approved by the Department of Environmental Protection and Resource Management. All stone parking areas shall be treated twice a year in accordance with DEPDM Article 10.18.03.D(1)(a) and (b) to prevent particular matter from becoming airborne. Petitioner shall maintain permanent records which establish that the required treatments have taken place in each of the required years from the date of this Order until the subject use ceases on the subject property. Such records shall be made available on

ORDER RECEIVED FOR FILING
Date 4/1/89
By J. Robert Haines

-10-

demand for inspection by the Zoning Enforcement Division of the Office of Zoning.

4) Wheel stops shall be placed around throughout the parking lot, which shall be well-maintained by the Red Eye Yacht Club.

4) Four major deciduous trees and a 60-foot protective grass strip (measured from the tree closest to Poplar Road) shall remain undisturbed on the property, with wheel chocks to protect the area from traffic [COMAR 14.15.02.04 C (2a) (b) (3a)]. Further, Petitioner shall replace any dead trees.

5) To reduce stormwater runoff, Petitioner shall cover the parking area with pervious surface consisting of "2" gravel, [COMAR 14.15.02.04 B (1)].

6) Petitioner shall provide a grass filter strip 8 feet wide on the Poplar Road side of the property which shall continue 15 feet further along Silver Lane [COMAR 14.15.02.04 B (1)].

7) Boats and other marina related equipment are not to be stored/parked on site [COMAR 14.15.02.04 (A)].

8) There shall be no overnight or permanent storage of any automobiles, trailers, trucks, buses, RVs, or boat trailers.

9) Upon request and reasonable notice, Petitioners shall permit a representative of the Zoning Enforcement Division to make an inspection of the subject property to insure compliance with this Order; and,

IT IS FURTHER ORDERED that the Petitioner shall comply fully and completely with all requirements and recommendations of the Department of Environmental Protection and Resource Management, as set forth in their comments dated June 29, 1988, attached hereto and made a part hereof.

JRH:bjs

-11-

ZONING DESCRIPTION RED EYE YACHT CLUB, INC. PARCEL NO. 2

Beginning at the intersection of Poplar Road and Silver Lane, said Beginning point being on the southeast side of said Poplar Road, 30 feet wide, thence running on the southeast side of said Poplar Road the two following courses and distances:

1. South 48°-15' East 194.54 feet to a point, thence
2. South 21°-59' West 9.27 feet to a point, thence leaving said Poplar Road
3. South 54°-38' East 102.30 feet to the Northwest side of said Silver Lane, 22 feet wide, thence binding on north-west side of said Silver Lane the following courses and distances.
4. North 48°-23'-20" East 30.04 feet to a point, thence
5. By a curve to the left subtended by a chord North 23°-16'-45" East 165.47 feet to a point, thence
6. North 41°-45' West 34.05 feet to the place of beginning.

Containing 0.375 acre of Land, more or less.



(Seal)
William N. Baffis, P.E. No. 11641

Civil Engineers / Land Planners / Surveyors - 1249 Engleberth Road / Baltimore, Maryland 21221 / 301-391-1

ORDER RECEIVED FOR FILING
Date 4/1/89
By J. Robert Haines

PETITION FOR SPECIAL HEARING TO THE ZONING COMMISSIONER OF BALTIMORE COUNTY.

The undersigned, legal owner(s) of the property situate in Baltimore County and which is described in the description and plat attached hereto and made a part hereof, hereby petition for a Special Hearing under Section 500.7 of the Baltimore County Zoning Regulations, to determine whether or not the Zoning Commissioner and/or Deputy Zoning Commissioner should approve petition for non-conforming use for parking and 25% expansion of non-conforming use for parking

as prescribed by Zoning Regulations. SE 25
above Special Hearing advertising, posting, etc., upon filing and are to be bound by the zoning regulations and restrictive to the Zoning Law for Baltimore County.

I, We do solemnly declare and affirm, under the penalties of perjury, that I/we are the legal owner(s) of the property which is the subject of this Petition.

Legal Owner(s):

Red Eye Yacht Club

(Type or Print Name)

By: John A. DeLage

(Type or Print Name)

Signature

2222 Poplar Road - 686-5399

Address

Baltimore, Maryland 21221

City and State

Name, address and phone number of legal owner, contractor, purchaser or representative to be contacted

John A. DeLage

Address

Phone No.

ORDERED By The Zoning Commissioner of Baltimore County, this 8th day of June, 1989, that the subject matter of this petition be advertised, as required by the Zoning Law of Baltimore County, in two newspapers of general circulation throughout Baltimore County, that property be posted, and that the public hearing be had before the Zoning Commissioner of Baltimore County in Room 106, County Office Building in Towson, Baltimore County, on the 23rd day of August, 1989, at 9 o'clock P.M.

J. Robert Haines
Zoning Commissioner of Baltimore County.

ESTIMATED LENGTH OF HEARING - 1/2HR. (over)
AVAILABLE FOR HEARING
MON./TUES./WED. - NEXT TWO MONTHS
ALL OTHER
REVIEWED BY: DATE

BALTIMORE COUNTY, MARYLAND INTER-OFFICE CORRESPONDENCE

Mr. J. Robert Haines
TO: Zoning Commissioner Date: June 29, 1988

Robert W. Sheesley
FROM: Director of the Department of Environmental Protection & Resource Management

SUBJECT: Red Eye Yacht Club, Inc.
Zoning Variance Item 426

Subject property is located between Poplar Road and Silver Lane to the southeast of the Red Eye Yacht Club which fronts Sue Creek. The site is approximately .375 acre with an existing dwelling, a shed and four large deciduous trees. The applicant is proposing a 25% expansion of non-conforming use for parking by removing the existing structures.

This property is within the Chesapeake Bay Critical Area and is classified as a Limited Development Area.

In accordance with the Chesapeake Bay Critical Area Program, all project approvals shall be based on a finding that projects are consistent with the following goals of the Critical Area Law:

1. Minimize adverse impacts on water quality that result from pollutants that are discharged from structures or conveyances or have runoff from surrounding lands;
2. Conserve fish, wildlife, and plant habitat; and
3. Establish land use policies for development in the Chesapeake Bay Critical Area which accommodate growth and also address the fact that even if pollution is controlled, the number, movement, and activities of persons in that area can create adverse environmental impacts [COMAR 14.15.10 (0.) (1) (2) (3)].

The proposed development will comply with the law provided that the zoning petition is conditioned on compliance with the following requirements:

1. Four major deciduous trees and a 60 ft. protective grass strip (measured from the tree closest to Poplar Road) remain undisturbed on the property, with wheel chock to protect the area from traffic [COMAR 14.15.02.04 C (2a) (b) (3a)].

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ZONING OFFICE

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To: Mr. J. Robert Haines
Zoning Commissioner
From: Mr. Robert W. Sheesley
Director of the Department of Environmental Protection & Resource Management
page 2

2. To reduce stormwater runoff the parking area is to be covered with pervious surface consisting of "2" gravel, [COMAR 14.15.02.04 B (1)].
3. A grass filter strip 8 feet wide is to be located on Poplar Rd. side of the property and is continue along Silver Lane 15 ft., [COMAR 14.15.02.04 B (1)].
4. Boats and other marina related equipment are not to be stored/parked on the site [COMAR 14.15.02.04 (A)].

RWB:krc

Robert W. Sheesley
Robert W. Sheesley
Director of the Department of Environmental Protection & Resource Management

Baltimore County
Zoning Commissioner
Office of Planning & Zoning
Towson, Maryland 21204
(301) 887-3353

J. Robert Haines
Zoning Commissioner

April 4, 1989

John B. Contrum, Esquire
809 Eastern Boulevard
Baltimore, Maryland 21221

RE: PETITION FOR SPECIAL HEARING
Intersection of NW/S Silver Lane and SW/S Poplar Road
(2222 Poplar Road)
15th Election District - 5th Councilmanic District
Red Eye Yacht Club - Petitioner
Case No. 89-41-SPH

Dear Mr. Contrum:

Enclosed please find a copy of the decision rendered in the above-captioned matter. The Petition for Special Hearing has been granted in accordance with the attached Order.

In the event any party finds the decision rendered is unfavorable, any party may file an appeal to the County Board of Appeals within thirty (30) days of the date of this Order. For further information on filing an appeal, please contact Ms. Charlotte Radcliffe at 494-3391.

Very truly yours,

J. Robert Haines
J. ROBERT HAINES
Zoning Commissioner
for Baltimore County

JRH:bjs

cc: Ms. Lisa Neukam, President
Holly Neck Improvement Association
2208 Poplar Road, Baltimore, Md. 21221
Ms. Regina Beaman
2312 Poplar Road, Baltimore, Md. 21221
Mr. Melvin Topa, Jr.
2310 Silver Lane, Baltimore, Md. 21221

People's Counsel

File

Dennis F. Rasmussen
County Executive

CERTIFICATE OF POSTING
ZONING DEPARTMENT OF BALTIMORE COUNTY
Towson, Maryland

District: 1524 Date of Posting: 11/18/87
Posted for: Special Hearing
Petitioner: Red Eye Yacht Club
Location of property: NW 1/4 Silver Lane & SE 1/4 Poplar Rd
2222 Poplar Rd
Location of Sign: Intersection of Poplar Rd & Silver Lane, 2222
for Red Eye Yacht Club - Petitioner
Remarks: _____
Posted by: [Signature] Date of return: 11/19/87
Number of Signs: 1

"DUPLICATE"
CERTIFICATE OF PUBLICATION

TOWSON, MD., July 28, 1988
THIS IS TO CERTIFY, that the annexed advertisement was published in THE JEFFERSONIAN, a weekly newspaper printed and published in Towson, Baltimore County, Md., once in each of 1 successive weeks, the first publication appearing on July 28, 1988

THE JEFFERSONIAN,

S. Zebe Orlum
Publisher

33.75

CERTIFICATE OF PUBLICATION

TOWSON, MD., November 10, 1988
THIS IS TO CERTIFY, that the annexed advertisement was published in THE JEFFERSONIAN, a weekly newspaper printed and published in Towson, Baltimore County, Md., appearing on Nov 10, 1988

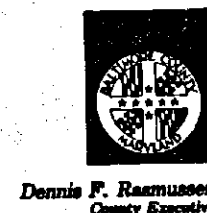
THE JEFFERSONIAN,

S. Zebe Orlum
Publisher

PO 05794
reg M20409
case 89-41-SPH
price 41.25

Baltimore County
Zoning Commissioner
Office of Planning & Zoning
Towson, Maryland 21204
(301) 887-3353
J. Robert Haines
Zoning Commissioner

May 4, 1989



John B. Gontrum, Esquire
809 Eastern Boulevard
Baltimore, Maryland 21221

RE: Petition for Special Hearing
Intersection of the NW/S of Silver Lane and SE/S Poplar Road
(2222 Poplar Road)
15th Election District - 5th Councilmanic District
Red Eye Yacht Club - Petitioners
Case No. 89-41-SPH

Dear Mr. Gontrum:

In response to your letter dated April 24, 1989 on the above-captioned matter, the following comments are offered.

Your clients have questioned the language in Restriction No. 8 of the Order issued April 4, 1989 which states that "There shall be no overnight or permanent storage of any automobiles, trailers, trucks, buses, RVs, or boat trailers." Please be assured that overnight parking of vehicles owned by members and their guests who are using the facilities of the yacht club is permitted. It should be clear to all concerned that the intent of Restriction No. 8 is to prohibit the "overnight or permanent storage" of any of the aforementioned means of transportation which are clearly not related to the actual activities of the yacht club.

If you have any further questions on the subject, please do not hesitate to call.

Very truly yours,
J. Robert Haines
J. ROBERT HAINES
Zoning Commissioner
for Baltimore County

JRH:bjs

cc: Ms. Lisa Neukam, President
Holly Neck Improvement Assoc.
2208 Poplar Road, Baltimore, Md. 21221

Ms. Regina Beasman
2312 Poplar Road
Baltimore, Md. 21221

Mr. Melvin Topa, Jr.
2310 Silver Lane
Baltimore, Md. 21221

People's Counsel
File

LAW FIRM
Romadka, Centum & Henegan
IRVINGTON FEDERAL BUILDING
809 EASTERN BOULEVARD
ESSEX, MARYLAND 21221
TELEPHONE (301) 586-8274
FAX # 686-0118

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1989 15 1569
ZONING OFFICE

April 24, 1989

J. Robert Haines
Zoning Commissioner for Baltimore County
Office of Planning and Zoning
Towson, Maryland 21204

Re: Petition for Special Hearing
Case No. 89-41-SPH

Dear Commissioner Haines:

My clients have asked me to write to you with respect to your April 4th opinion to clarify No. 8 of your Order. Condition No. 8 states "there shall be no overnight or permanent storage of any automobiles, trailers, trucks, buses, RVs, or boat trailers."

We well understand that you do not wish boats or trailers or RV's to be stored on the site. We understand that the site is to be used for temporary parking. There are times, however, when automobiles will be parked on the site overnight while the owners are enjoying their use of the boats and the facilities at the yacht club. We do not consider this "overnight" causes us some concern. While we would be able to easily monitor the storage of vehicles, we would hope that overnight parking would be permitted. Thank you for your consideration of this matter.

Very truly yours,
[Signature]
John B. Gontrum

JBG:kb
cc: Mr. John Dellape
Ms. Lisa Neukam
Ms. Regina Beasman
Mr. Melvin Topa, Jr.
People's Counsel

Baltimore County
Zoning Commissioner
Office of Planning & Zoning
Towson, Maryland 21204
(301) 887-3353
J. Robert Haines
Zoning Commissioner

April 12, 1989



John B. Gontrum, Esquire
809 Eastern Boulevard
Baltimore, Maryland 21221

RE: PETITION FOR SPECIAL HEARING
Intersection of NW/S Silver Lane and SW/S Poplar Road
(2222 Poplar Road)
15th Election District - 5th Councilmanic District
Red Eye Yacht Club - Petitioner
Case No. 89-41-SPH

Dear Mr. Gontrum:

Pursuant to your telephone call to this office on April 10, 1989, it was brought to my attention that the Order issued in the above-referenced matter on April 4, 1989 did not include a copy of the revised plan identified therein as the "Zoning Commissioner's Plan."

Accordingly, enclosed please find a copy of said plan for your records. Please excuse the oversight.

Very truly yours,
J. Robert Haines
J. ROBERT HAINES
Zoning Commissioner
for Baltimore County

JRH:bjs

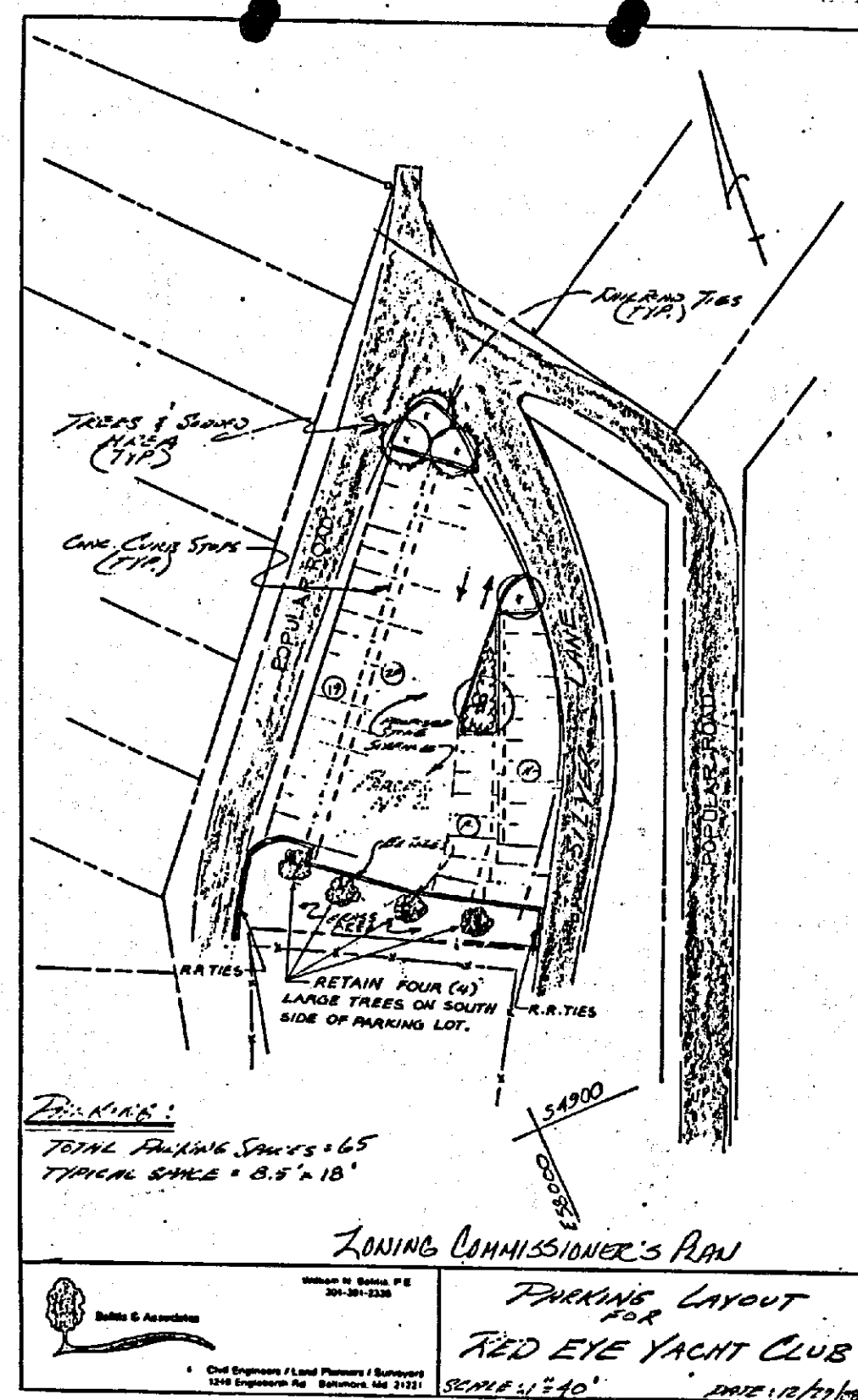
cc: Ms. Lisa Neukam, President
Holly Neck Improvement Association
2208 Poplar Road, Baltimore, Md. 21221

Ms. Regina Beasman
2312 Poplar Road, Baltimore, Md. 21221

Mr. Melvin Topa, Jr.
2310 Silver Lane, Baltimore, Md. 21221

People's Counsel

File



IN EFFECT ON THIS DATE, CASE # 89-41-SPH WILL BE RESCHEDULED, CALL 494-3391 TO CANCEL DATE.

Baltimore County
Zoning Commissioner
Office of Planning & Zoning
Towson, Maryland 21204
494-3353

J. Robert Haines
Zoning Commissioner

Date: 11/28/88

Joan K. Tullius, Esq.
809 Eastern Boulevard
Essex, Maryland 21221

Re: Petition for Special Hearing
CASE NUMBER 89-41-SPH
Int. NW/S Silver Lane and SE/S Poplar Road
(2222 Poplar Road)
15th Election District - 5th Councilmanic
District
Petitioner(s): Red Eye Yacht Club
HEARING SCHEDULED: FRIDAY, DECEMBER 2, 1989 at 10:00 a.m.

Dear Mrs. Tullius:

Please be advised that \$469.50 is due for advertising and posting of the above-referenced property. All fees must be paid prior to the hearing. Do not remove the sign and post set(s) from the property from the time it is posted by this office until the day of the hearing itself.

THIS FEE MUST BE PAID AND THE ZONING SIGN(S) AND POST(S) RETURNED ON THE DAY OF THE HEARING OR THE ORDER SHALL NOT BE ISSUED.

Please make your check payable to Baltimore County, Maryland and bring it along with the sign and post set(s) to the County Office 5 minutes before

BALTIMORE COUNTY, MARYLAND
OFFICE OF FINANCE - REVENUE DIVISION
MISCELLANEOUS CASH RECEIPT
DATE 12/30/88 ACCOUNT R-01-615-000
AMOUNT \$ 169.50
RECEIVED FROM (Gontrum) Red Eye Yacht Club
FOR P.A. 12-2-88 Reair
B 814*****10-89-41-SPH
VALIDATION OR SIGNATURE OF CASHIER
- Includes prior Charge of \$73.50.

Baltimore County
Zoning Commissioner
Office of Planning & Zoning
Towson, Maryland 21204
(301) 887-3353
J. Robert Haines
Zoning Commissioner

January 9, 1989



John Gontrum, Esquire
809 Eastern Boulevard
Essex, Maryland 21221

Ms. Lisa Neukam
2208 Poplar Road
Essex, Maryland 21221

Ms. Jean Beasman
2312 Poplar Road
Essex, Maryland 21221

Mr. Melvin J. Topa, Jr.
2310 Silver Lane Road
Essex, Maryland 21221

RE: Red Eye Yacht Club
Zoning Case #89-41 SPH

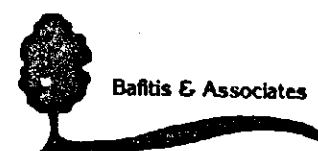
Ladies and Gentlemen:

Enclosed is parking layout plan I received from the Red Eye Yacht Club's engineer, William M. Baftis. I intend to issue a written Order in this matter in the very near future. However, if anyone would like to comment IN WRITING concerning this proposed parking plan, they may do so before January 18, 1989.

Thank you for your time and consideration.

Very truly yours,
J. Robert Haines
J. Robert Haines
Zoning Commissioner

JRH:MMH



RECEIVED
JAN 6 1989
ZONING OFFICE

January 4, 1989

Mr. J. Robert Haines
Zoning Commissioner
Baltimore County Office of Planning & Zoning
County Office Building
111 W. Chesapeake Avenue
Towson, Maryland 21204

Dear Mr. Haines

Ref: Red Eye Yacht Club
Zoning Case No. 89-41-SPH

As per your request during the zoning hearing on December 2, 1988, we have prepared the accompanying parking layout plan to illustrate Red Eye Yacht Club's intentions for improvements for Parcel No.2.

Enclosed are 6 copies of the parking layout plan with which you may mail copies to the neighbors who attended the hearing or, if you would provide us with names and addresses, we will mail them for you.

If you have any questions, please call.

Very truly yours,
BAFFIS AND ASSOCIATES

William N. Baffis, P.E.
William N. Baffis, P.E.

cc. John Dellape
John Contrum

WNB/amh

Civil Engineers / Land Planners / Surveyors — 1249 Engleberth Road / Baltimore, Maryland 21221 / 301-391-2336

RED EYE YACHT CLUB
* ZONING COMMISSIONER
* FOR BALTIMORE COUNTY
* CASE NO. 89-41-SPH

SUBPOENA

Please issue a Subpoena for the following:

The Honorable Charles E. Foos
District Court of Maryland
Towson, Maryland 21204

Returnable Friday, December 2, 1988 at 10:00 a.m.
County Office Building, 111 W. Chesapeake Avenue, Towson,
Maryland 21204.

John B. Contrum, Esquire
John B. Contrum, Esquire
Romadka, Gontum & Hennegan
809 Eastern Boulevard
Essex, Maryland 21221
686-8274

Mr. Sheriff/Private Process Server

Please process in accordance with Zoning Commission
Rule IV (c).

J. Robert Haines
J. Robert Haines, Commissioner

LAW FIRM
ROMADKA,
GONTUM
& HENNEGAN
ESSEX, MARYLAND

Baltimore County
Zoning Commissioner
Office of Planning & Zoning
Towson, Maryland 21204
494-3353

J. Robert Haines
Zoning Commissioner

October 16, 1988

NOTICE OF HEARING

The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County will hold a public hearing on the property identified herein in Room 106 of the County Office Building, located at 111 W. Chesapeake Avenue in Towson, Maryland as follows:

Petition for Special Hearing
CASE NUMBER: 89-41-SPH
Int. W/S Silver Lane and SE/S Poplar Road
(2222 Poplar Road)
15th Election District - Ch. Carrolltown
Petitioner(s): Red Eye Yacht Club
HEARING SCHEDULED: FRIDAY, DECEMBER 2, 1988 at 10:00 a.m.*

Special Hearings Non-conforming use for parking and 25% extension of non-conforming use for parking.

In the event that this Petition is granted, a building permit may be issued within the thirty (30) day appeal period. The Zoning Commissioner will, however, entertain any request for a stay of the issuance of said permit during this period for good cause shown. Such request must be in writing and received in this office by the date of the hearing set above or presented at the hearing.

J. Robert Haines
J. ROBERT HAINES
Zoning Commissioner of
Baltimore County

cc: Mr. John A. Dellape
Jean K. Tullius, Esq.
File

*NOTE:
IF PHASE II OF THE SDC
EMERGENCY PLAN IS IN EFFECT
IN BALTIMORE COUNTY BY
3:30 a.m. ON THE DATE
OF THE ABOVE HEARING,
SUCH HEARING WILL BE POST-
PONED AND TENTATIVELY
RESCHEDULED FOR THURSDAY,
JANUARY 12, 1989. PLEASE
TELEPHONE DOCKET CLERK
AT 494-3351 TO CONFIRM
DATE.

LAW FIRM
Romadka, Gontum & Hennegan
IRVINGTON FEDERAL BUILDING
809 EASTERN BOULEVARD
ESSEX, MARYLAND 21221
TELEPHONE (301) 686-8274

October 7, 1988

Mr. Mitch Kellman
Office of Planning & Zoning
111 W. Chesapeake Avenue
Room 113
Towson, Maryland 21204

RE: Red Eye Yacht Club
Case Number: 89-41-SPH

Dear Mr. Kellman:

Enclosed please find a revised site plan filed for Red Eye Yacht Club for a Petition for a Special Hearing for non-conforming use for parking. A check for \$35.00 for filing a revision of a site plan is enclosed.

Thank you for your consideration in this matter.

BALTIMORE COUNTY, MARYLAND OFFICE OF FINANCE - REVENUE DIVISION MISCELLANEOUS CASH RECEIPT		No. 058914
DATE: 10/16/88	ACCOUNT: 01-615	
AMOUNT: \$ 35.00		
RECEIVED FROM: Romadka, Gontum & Hennegan		
FOR: Special Hearing		
B 8026 *****550048 5113		
VALIDATION OR SIGNATURE OF CARRIER		

Baffis & Associates

Civil Engineers / Land Planners / Surveyors
1249 Engleberth Rd. Baltimore, Md 21221
301-391-2336

LETTER OF TRANSMITTAL
TO: JOHN CONTRUM

DATE: 10-12-88
REF: RED EYE YACHT CLUB
#89413

WE ARE SENDING: ☐ HEREWITH ☐ UNDER SEPARATE COVER
☐ ORIGINAL TRACINGS ☐ BLACK LINE PRINTS ☐ PHOTOGRAPH(S) ☐ REPORT(S)
☐ SEPA TRANSPARENCIES ☐ BLUE LINE PRINTS ☐ LETTER(S) ☐ MAP(S)
☐ PHOTOGRAPH(S) ☐ SAMPLE(S) ☐ AGREEMENT(S) ☐ AS NOTED BELOW
☐ SKETCHES ☐ SPECIFICATIONS

PREPARED BY: APPROVED:

THESE ARE FORWARDED: ☐ AS REQUESTED ☐ FOR CORRECTIONS ☐ REVIEWED AND ACCEPTED ☐ FOR APPROVAL ☐ FOR CONSTRUCTION ☐ REVIEWED AND ACCEPTED AS NOTED ☐ FOR COMMENT ☐ YOUR INFORMATION ☐ REVIEWED AND RETURNED FOR REVISION ☐ FOR PAYMENT ☐ AS NOTED BELOW

DRAWINGS NO.	NO. OF COPIES	LATEST DATE	DESCRIPTION
	4		SITE PLANS

SENT VIA: ☐ SPECIAL DELIVERY ☐ AIR MAIL ☐ YOUR MESSENGER ☐ EXPRESS
☐ CERTIFIED MAIL ☐ PARCEL POST ☐ YOUR MESSENGER ☐ INSURED
☐ FIRST CLASS MAIL ☐ BUS ☐ UNITED PARCEL ☐ AS NOTED BELOW

NOTES:

Very truly yours,

Angela M. Hicken

Copy To

Baltimore County
Zoning Commissioner
Office of Planning & Zoning
Towson, Maryland 21204
494-3353

J. Robert Haines
Zoning Commissioner

July 22, 1988

NOTICE OF POSTPONEMENT

This will acknowledge receipt of the postponement request from () Petitioner(s), () Protestant(s), and/or (X) the Attorney for Petitioner or Protestant.

As such, the following case originally scheduled for Tuesday, August 23, 1988 at 9:00 a.m. will not proceed on that date. You will be timely notified of the new hearing date.

Case number: 89-41-SPH
Petitioner(s): Red Eye Yacht Club
Location: Int. W/S Silver Lane and SE/S Poplar Road
(2222 Poplar Road)

J. Robert Haines
J. ROBERT HAINES
Zoning Commissioner for
Baltimore County

cc: John A. Dellape
Jean K. Tullius, Esq.
Mr. & Mrs. Bozman
File

Dennis F. Rasmussen
County Executive

ALICE MAYE MONTONE
c/o General Delivery
Bozman, Maryland 21612
Plaintiff
v.
ALL UNKNOWN DEVISEES
and Personal Representatives
of HATTIE M. BRAGG,
Deceased
and
Also any persons having or claiming
to have any interest in the property *
described herein in the 15th Elec-
tion District of Baltimore County, *
Maryland
Defendants

BILL OF COMPLAINT TO QUIET TITLE

ALICE MAYE MONTONE, Plaintiff, by her attorneys, Thomas J. Renner and Nolan, Plunhoff and Williams, respectfully represents:

1.) That the Plaintiff, ALICE MAYE MONTONE, is in actual or constructive possession of the following described lands and easement (hereinafter sometimes collectively referred to as the "property") with no action at law or proceeding in equity being outstanding or pending to test the validity of Plaintiff's title:

BEING known and designated as Lot No. 98 on the Plat of Cedar Beach recorded in the Plat Records for Baltimore County in Plat Book W.P.C. No. 7, folio 186 and described as follows:

BEGINNING for the same at the easternmost corner of Lot No. 97 on the Plat of Cedar Beach hereinbefore referred to and running thence along the northeast side of Lot No. 97, North 32° 47' West 143 feet to the waters of Cedar Creek, thence northeasterly binding on Cedar Creek 235 feet to Sue's Creek, thence southeasterly binding along Sue's Creek 170.09 feet to the northernmost corner of Lot No. 99 on said Plat, thence binding along the northwest side of Lot No. 99, South 66° 03' West 220 feet, thence North 32° 47' West 13 feet to the place of beginning.

Together with the right to use as a right of way for the purpose of ingress and egress a strip of ground of a uniform width of 13 feet across the northwest corner of Lot No. 99 on said plat to and from the lot herein described to the 30 foot road shown on said plat connecting Silver Lane Road and Poplar Road the northwest side of said right of way running from the point of beginning of the lot herein described southwesterly along and binding on the division line between Lots 97 and 99 on said plat to said 30 foot road.

PETITIONER'S
EXHIBIT 2

LAW OFFICE
NOLAN, PLUNHOFF
& WILLIAMS
TOWSON, MD.

-1-

2.) That the property which is the subject of these proceedings was conveyed to Julian W. Bragg and Hattie M. Bragg, his wife, by a Deed dated October 18, 1927 and recorded among the Land Records of Baltimore County at Liber 650, page 238.

3.) That Julian W. Bragg and Hattie M. Bragg, his wife, conveyed the subject parcel of land to Hester C. Billingsley by straw deed dated February 4, 1929 and recorded among the Land Records of Baltimore County at Liber 811, page 256. The subject property was conveyed by the aforesaid Hester C. Billingsley to Hattie M. Bragg by a straw deed dated February 4, 1929 and recorded among the Land Records of Baltimore County at Liber 811, page 257. The conveyance of the subject property to Hattie M. Bragg was made pursuant to the terms of a Separation and Property Settlement Agreement between Julian W. Bragg and Hattie M. Bragg dated February 4, 1929 and recorded among the Land Records of Baltimore County at Liber 811, page 195 and which by Item (2) thereof, Julian W. Bragg released all marital rights which he might have had to all of the property, real, personal or mixed, of Hattie M. Bragg.

4.) That other than William F. Daley, his relationship to the property being hereinafter described, any other possible heirs, legatees or legal representatives are unknown.

5.) That the Plaintiff, ALICE MAYE MONTONE, took possession of the land described above pursuant to a bequest contained in the Last Will and Testament of William F. Daley recorded at Liber 79, page 510 of the Wills Index of the Baltimore County Register of Wills. William F. Daley, at the time of making said bequest, claimed ownership of said property as Administrator or Executor of Hattie M. Bragg, deceased, pursuant to a transfer of the Alcoholic Beverage License dated July 3, 1935, as owner pursuant to subsequent Applications for Alcoholic Beverage License to the tavern business operated on the above described property, and pursuant to

-2-

LAW OFFICES
MOLAN, PLUMHOFF
& WILLIAMS
TOWSON, MD.

-3-

LAW OFFICES
NOLAN, PLUMHO
& WILLIAMS
TOWSON, MD.

-4-

Thomas J. Renner
Nolan, Plurnhoff and Williams
Attorneys for Plaintiff
204 West Pennsylvania Avenue
Towson, Maryland 21204
Telephone: 823-7800

Alice Mayo Montone
Alice Mayo Montone

do as grant and convey to the said party of the second part, its personal representatives/successors and assigns in fee simple, all those lots of ground situate in Baltimore County, State of Maryland, and described as follows, that is to say:

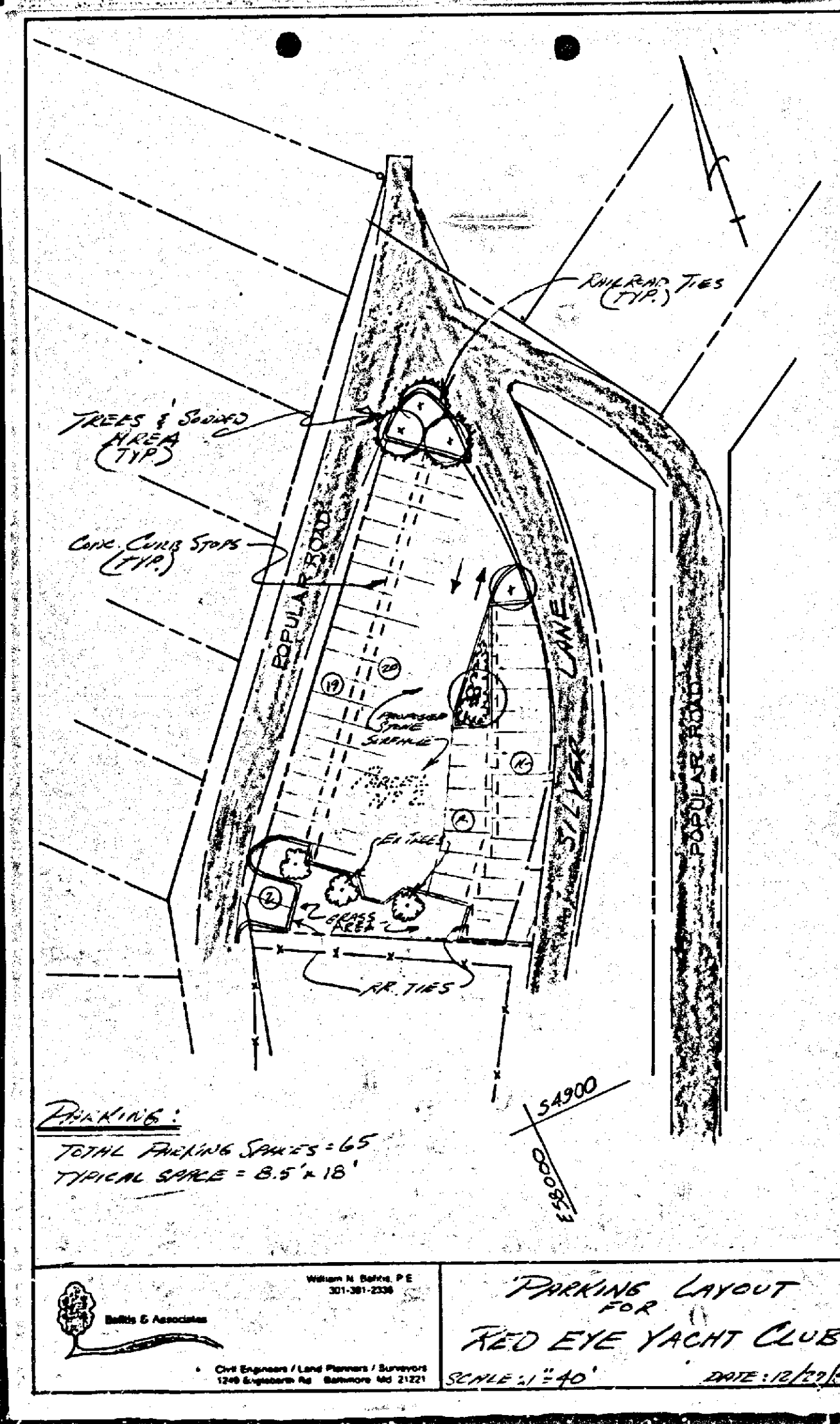
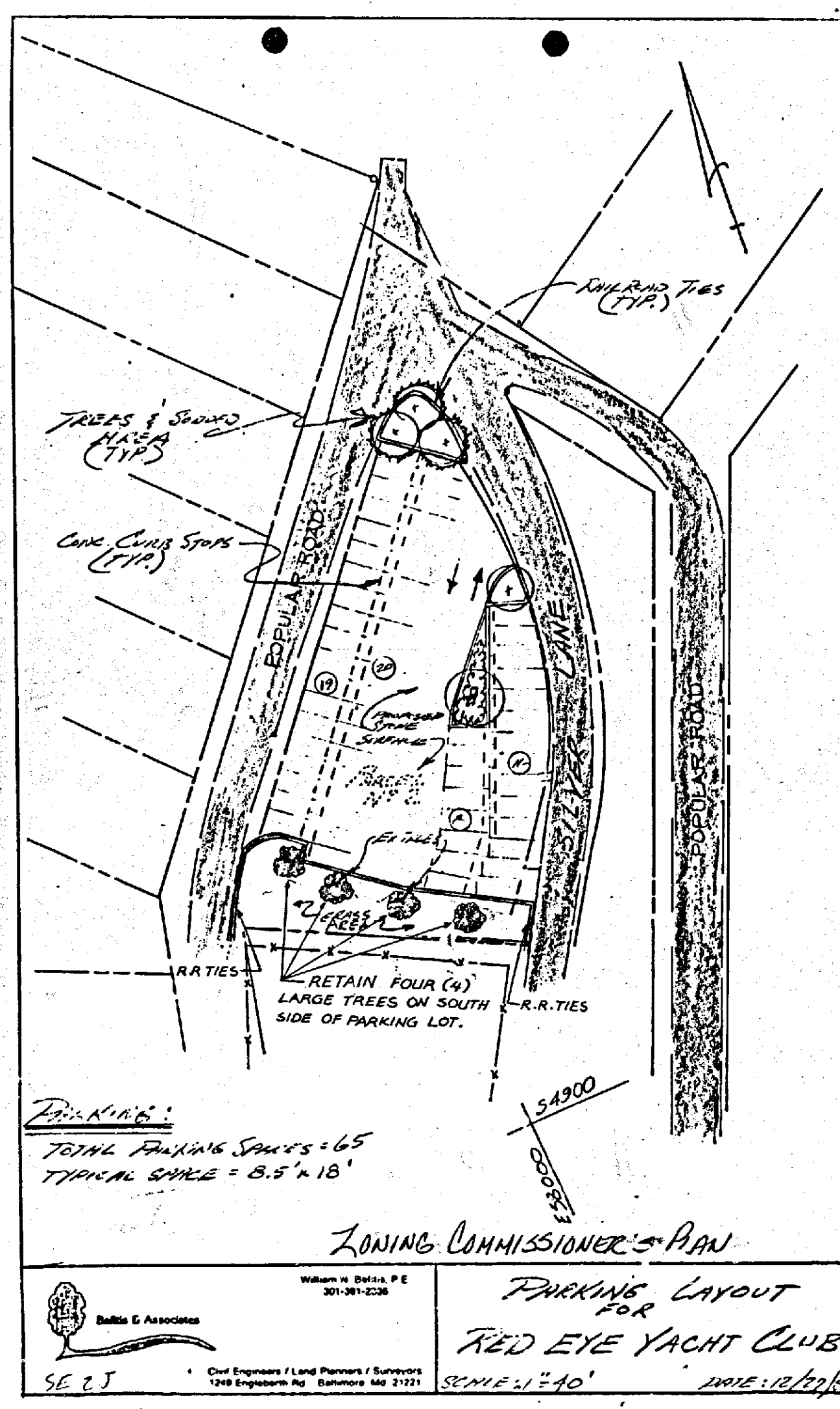
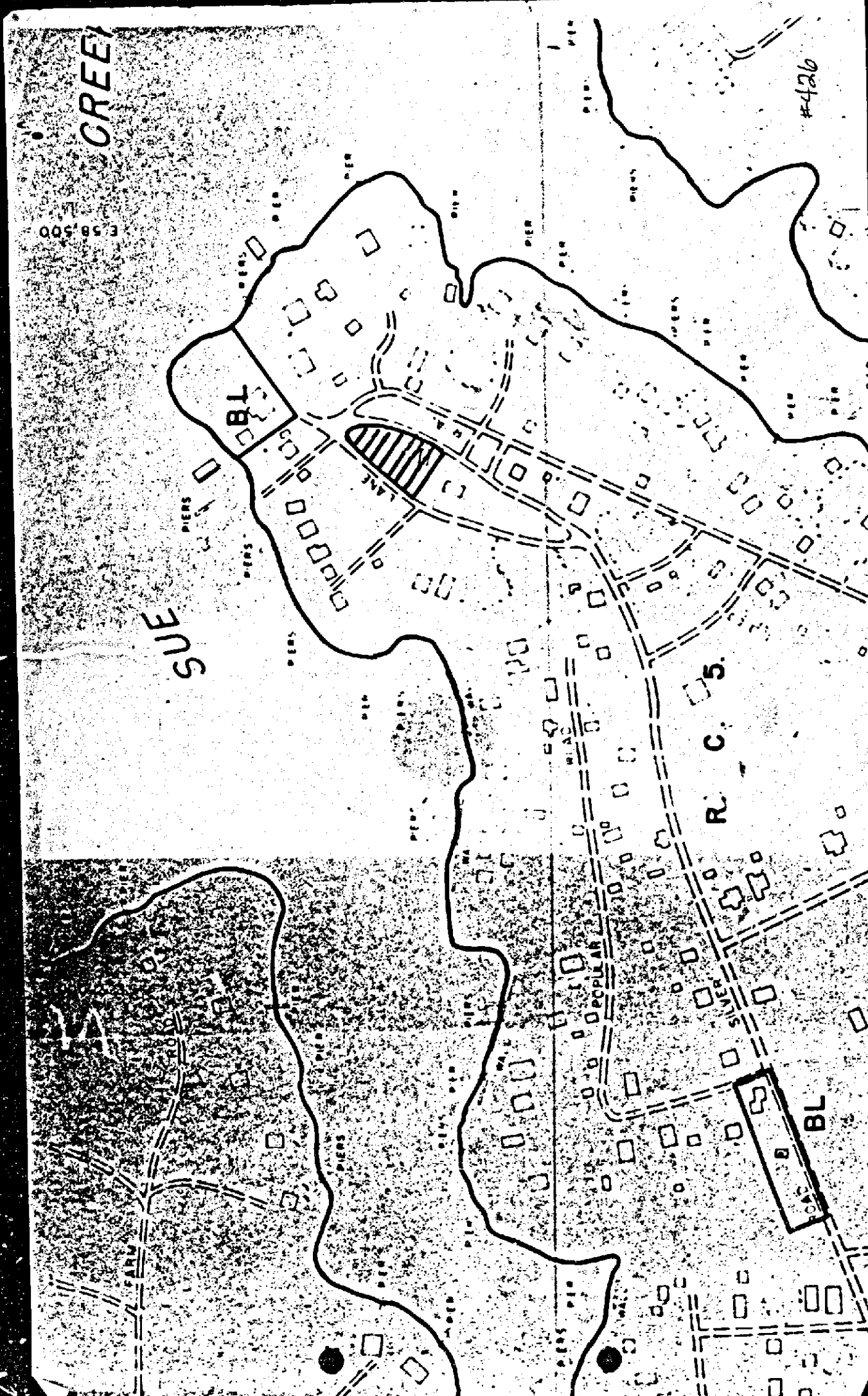
[illegible]

BEING ALSO the same lot of ground to which the said party of the first part, Grantor herein, acquired from the Estate of William F. Daley, recorded in Willis Liber, NTH No. 79, folio 310.

**PETITIONER'S
EXHIBIT 3**

[illegible]

BEING part of the property which by Deed dated July 8, 1963 and recorded among the Land Records of Baltimore County in Liber REG No. 4485, folio 120, was granted and conveyed by Cassin Stanley Holcomb and Geraldine Lee Holcomb, his wife, to the within Grantor.



PETITIONER'S
 EXHIBIT 4

July 7, 1988

Zoning Commissioner of Baltimore County
County Office Building
111 West Chesapeake Avenue
Towson, Maryland 21204

RE: Red Eye Yacht Club

Dear Commissioner:

I have lived in the Holly Neck Road community for 24 years. I am very familiar with the Red Eye Yacht Club property and have reviewed the plan submitted for this special hearing for non-conforming use. This plan conforms with my collection of how the property was used since 1957. *Wickham and Quatro* always used the property for parking and uninterrupted since 1957. *Auto* parking is merely a continuation of the previous usage over the past years.

Very truly yours,

Ward B Rice

My residence in the Holly Neck area was at 2308 Poplar Rd
Baltimore Md. 21221

PETITIONER'S EXHIBIT

July 7, 1988

Zoning Commissioner of Baltimore County
County Office Building
111 West Chesapeake Avenue
Towson, Maryland 21204

RE: Red Eye Yacht Club

Dear Commissioner:

I have lived in the Holly Neck Road community for 9 years. I am very familiar with the Red Eye Yacht Club property and have reviewed the plan submitted for the special hearing for non-conforming use. This plan conforms with my recollection of how the property was used since 1979. Red Eye Yacht Club always used the property for parking and uninterruptedly since 1979. Red Eye Yacht Club parking is merely a continuation of the previous usage over the 9 years.

Very truly yours,

Michael J. Johnson

July 7, 1988

Zoning Commissioner of Baltimore County
County Office Building
111 West Chesapeake Avenue
Towson, Maryland 21204

RE: Red Eye Yacht Club

Dear Commissioner:

I have lived in the Holly Neck Road community for 23 yrs. I am very familiar with the Red Eye Yacht Club property and have reviewed the plan submitted for the special hearing for non-conforming use. This plan conforms with my recollection of how the property was used since 1965. Red Eye Yacht Club always used the property for parking and uninterruptedly since 1965. Red Eye Yacht Club parking is merely a continuation of the previous usage over the 23 years.

Very truly yours,

Carol Shy Jones

We took our children to Christmas parties down there, and parked on outer lot then.

July 7, 1988

Zoning Commissioner of Baltimore County
County Office Building
111 West Chesapeake Avenue
Towson, Maryland 21204

RE: Red Eye Yacht Club

Dear Commissioner:

I have lived in the Holly Neck Road community for 32 years. I am very familiar with the Red Eye Yacht Club property and have reviewed the plan submitted for the special hearing for non-conforming use. This plan conforms with my recollection of how the property was used since 1956. Red Eye Yacht Club always used the property for parking and uninterruptedly since 1956. Red Eye Yacht Club parking is merely a continuation of the previous usage over the 32 years.

Very truly yours,

H. C. West

July 7, 1988

Zoning Commissioner of Baltimore County
County Office Building
111 West Chesapeake Avenue
Towson, Maryland 21204

RE: Red Eye Yacht Club

Dear Commissioner:

I have lived in the Holly Neck Road community for 21 years. I am very familiar with the Red Eye Yacht Club property and have reviewed the plan submitted for the special hearing for non-conforming use. This plan conforms with my recollection of how the property was used since 1967. Red Eye Yacht Club always used the property for parking and uninterruptedly since 1967. Red Eye Yacht Club parking is merely a continuation of the previous usage over the 21 years.

Very truly yours,

Marcel V. Lora

July 7, 1988

Zoning Commissioner of Baltimore County
County Office Building
111 West Chesapeake Avenue
Towson, Maryland 21204

RE: Red Eye Yacht Club

Dear Commissioner:

I have lived in the Holly Neck Road community for 30 years. I am very familiar with the Red Eye Yacht Club property and have reviewed the plan submitted for the special hearing for non-conforming use. This plan conforms with my recollection of how the property was used since 1958. Red Eye Yacht Club always used the property for parking and uninterruptedly since 1958. Red Eye Yacht Club parking is merely a continuation of the previous usage over the 30 years.

Very truly yours,

James E. Dyer

July 5, 1988

Baltimore County
Department of Public Works
Bureau of Traffic Engineering
Courts Building, Suite 405
Towson, Maryland 21204
494-3554

Mr. J. Robert Haines
Zoning Commissioner
County Office Building
Towson, Maryland 21204

Dear Mr. Haines:

The Bureau of Traffic Engineering has no comments for items number 421, 422, 423, 424, 425, 426, 427, 428, 429 and 430.

Very truly yours,

Stephen E. Weber
Stephen E. Weber, P.E.
Assistant Traffic Engineer

SEW/RF/pml-b

89-41-SPH

BALTIMORE COUNTY OFFICE OF PLANNING & ZONING

County Office Building
111 W. Chesapeake Avenue
Towson, Maryland 21204

Your petition has been received and accepted for filing this 14th day of June, 1988.

Petitioner Red Eye Yacht Club
Petitioner's Attorney James E. Tullius

Received by: James E. Dyer
Chairman, Zoning Plans
Advisory Committee

Baltimore County
Fire Department
Towson, Maryland 21204-2586
494-4500

Paul H. Reincke
Chief

J. Robert Haines
Zoning Commissioner
Office of Planning and Zoning
Baltimore County Office Building
Towson, MD 21204

June 7, 1988

Re: Property Owner: Red Eye Yacht Club

Location: Int. NW/S Silver La., and Se/S Poplar Road

Item No.: 426

Zoning Agenda: Meeting of 6/7/88

Gentlemen:

Pursuant to your request, the referenced property has been surveyed by this Bureau and the comments below marked with an "X" are applicable and required to be corrected or incorporated into the final plans for the property.

() 1. Fire hydrants for the referenced property are required and shall be located at intervals of 100 feet along an approved road in accordance with Baltimore County Standards as published by the Department of Public Works.

() 2. A second means of vehicle access is required for the site.

() 3. The vehicle dead end condition shown at

EXCEEDS the maximum allowed by the Fire Department.

() 4. The site shall be made to comply with all applicable parts of the Fire Prevention Code prior to occupancy or beginning of operation.

(X) 5. The buildings and structures existing or proposed on the site shall comply with all applicable requirements of the National Fire Protection Association Standard No. 101 "Life Safety Code," 1976 edition prior to occupancy.

() 6. Site plans are approved, as drawn.

() 7. The Fire Prevention Bureau has no comments at this time.

REVIEWER: Cpt. James E. Dyer Noted and Approved: John F. O'Neill
Planning Group Fire Prevention Bureau
Special Inspection Division

/s/

BALTIMORE COUNTY ZONING PLANS ADVISORY COMMITTEE

August 17, 1988

COUNTY OFFICE BLDG.
111 W. Chesapeake Ave.
Towson, Maryland 21204

Ms. Jean K. Tullius, Esquire
809 Eastern Boulevard
Essex, Maryland 21221

RE: Item No. 426 - Case No. 89-41-SPH
Petitioner: Red Eye Yacht Club
Petition for Special Hearing

Dear Ms. Tullius:

The Zoning Plans Advisory Committee has reviewed the plans submitted with the above referenced petition. The following comments are not intended to indicate the appropriateness of the zoning action requested, but to assure that all parties are made aware of plans or problems with regard to the development plans that may have a bearing on this case. The Director of Planning may file a written report with the Zoning Commissioner with recommendations as to the suitability of the requested zoning.

Enclosed are all comments submitted from the members of the Committee at this time that offer or request information on your petition. If similar comments from the remaining members are received, I will forward them to you. Otherwise, any comment that is not informative will be placed in the hearing file. This petition was accepted for filing on the date of the enclosed filing certificate and a hearing scheduled accordingly.

Very truly yours,

James E. Dyer
JAMES E. DYER
Chairman
Zoning Plans Advisory Committee

JED:dt

cc: Rafitis & Associates
1249 Englewerth Road
Baltimore, Maryland 21221

BALTIMORE COUNTY DEPARTMENT OF ENVIRONMENTAL PROTECTION AND RESOURCE MANAGEMENT

Zoning Commissioner
Office of Planning and Zoning
County Office Building
Towson, Maryland 21204

Zoning Item # 426, Zoning Advisory Committee Meeting of June 7, 1988

Property Owner: Red Eye Yacht Club

Location: Int. NW/3 Silver Lane & SE/3 Poplar Rd. District: 15

Water Supply: metro Sewage Disposal: private

COMMENTS ARE AS FOLLOWS:

() Prior to approval of a Building Permit for construction, renovation and/or installation of equipment for any existing or proposed food service facility, complete plans and specifications must be submitted to the Plans Review Section, Bureau of Regional Community Services, for final review and approval.

() Prior to new installation/s of fuel burning equipment, the owner shall contact the Bureau of Air Quality Management, 494-3775, to obtain requirements for such installation/s before work begins.

() A permit to construct from the Bureau of Air Quality Management is required for such items as spray paint processes, underground gasoline storage tank/s (5,000 gallons or more) and any other equipment or process which exhausts into the atmosphere.

() A permit to construct from the Bureau of Air Quality Management is required for any charbroiler operation which has a total cooking surface area of five (5) square feet or more.

() Prior to approval of a Building Permit Application for renovations to existing or construction of new health care facilities, complete plans and specifications of the building, food service area and type of equipment to be used for the food service operation must be submitted to the Plans Review and Approval Section, Division of Engineering and Maintenance, State Department of Health and Mental Hygiene for review and approval.

() Prior to any new construction or substantial alteration of public swimming pool, wading pool, bathhouse, saunas, whirlpools, hot tubs, water and sewerage facilities or other appurtenances to the Baltimore County Department of Environmental Protection and Resource Management for review and approval. For more complete information, contact the Recreational Hygiene Section, Bureau of Regional Community Services, 494-3811.

() Prior to approval for a nursery school, owner or applicant must comply with all Baltimore County regulations. For more complete information, contact the Division of Maternal and Child Health.

() If lubrication work and oil changes are performed at this location, the method providing for the collection of waste oil must be in accordance with the State Department of the Environment.

() Prior to raising of existing structure/s, petitioner must contact the Division of Waste Management at 494-3789, regarding removal and/or disposal of potentially hazardous materials and solid wastes. Petitioner must contact the Bureau of Air Quality Management regarding removal of asbestos, 494-3775.

() Any abandoned underground storage tanks containing gasoline, waste oil, solvents, etc., must have the contents removed by a licensed hauler and tank removed from the property or properly backfilled. Prior to removal or abandonment, owner must contact the Division of Waste Management at 494-3789.

() Soil percolation tests, have been _____, must be _____ conducted.

() _____ The results are valid until _____.

() _____ Soil percolation test results have expired. Petitioner should contact the Division of Water and Sewer to determine whether additional tests are required.

() Where water wells are to be used as a source of water supply, a well meeting the minimum Baltimore County Standards must be drilled.

() In accordance with Section 13-117 of the Baltimore County Code, the water well yield test () shall be valid until () is not acceptable and must be repeated. This must be accomplished prior to conveyance of property and approval of building permit applications.

() Prior to occupancy approval, the potability of the water supply must be verified by collection of bacteriological and chemical water samples.

() If submission of plans to the County Review Group is required, a Hydrogeological Study and an Environmental Effects Report must be submitted.

Others: See attached comments from Bureau of Air Quality

lgat

BUREAU OF WATER QUALITY AND RESOURCE MANAGEMENT

LAW FIRM
Romaldo, Sorbun & Hannegan
EIGHTH FLOOR BUILDING
800 EASTERN BOULEVARD
BETHESDA, MARYLAND 20814
TELEPHONE (301) 486-8874

July 18, 1988

ROBERT J. ROMALDA
JOHN B. GONTREIM
JOHN O. HENNINGAN
DONALD R. SHEPPT
JEAN K. TULLIUS
TIMOTHY M. KOTROCK

J. Robert Haines,
Zoning Commissioner of Baltimore County
Office of Planning and Zoning
Towson, Maryland 21204

RE: Case Number: 89-41-SPH
Petitioner: Red Eye Yacht Club

Dear Commissioner Haines:

Case Number 89-41-SPH, a Petition for Special Hearing for non-conforming use has been noted for hearing on Tuesday, August 23, 1988 at 9:00 a.m.

We are in the process of revising the site plan pursuant to comments of DEPRM and conversations with the Community Association. We therefore would appreciate a postponement in the above captioned matter.

If this is acceptable, please notify us of the new date. Thank you for your anticipated cooperation.

Very truly yours,

Jean K. Tullius
Jean K. Tullius

JKT/kmc

cc: John A. Dellape

Baltimore County
Department of Environmental Protection
& Resource Management
County Office Building
401 Bayley Avenue
Towson, Maryland 21204
494-3773

Bureau of Air Quality Management
300 East Towsontown Boulevard
Towson, Maryland 21204
(301) 494-3775

June 20, 1988

Mr. J. Robert Haines, Zoning Commissioner
Office of Planning and Zoning
County Office Building
Towson, Maryland 21204

Dear Mr. Haines:

Comments on Zoning Advisory Committee Meeting, Item #426 are as follows:

Property Owner: Red Eye Yacht Club, Inc.
Location: 2222 Poplar Road, Baltimore, MD 21221
Existing Zoning: B.L.
Proposed Zoning: Petition for non-conforming use of parking and 25% expansion of non-conforming use for parking
Area: 1,164 acres
District: 15th Election District

This office recommends approval for non-conforming use for parking and approval of 25% expansion of non-conforming use for parking providing: All Article 10.18.06.03.D(1)(a) and (b) in order to prevent particulate matter from being airborne. Treatment and maintenance of this surface will be on a continuing basis as necessary to control airborne particulate.

Very truly yours,

Robert C. Merrey, Jr.
Robert C. Merrey, Jr., Acting Director
Division of Support Services
Bureau of Air Quality Management

RCMjr/als

Baltimore County
Zoning Commissioner
Office of Planning and Zoning
Towson, Maryland 21204
494-3353

J. Robert Haines
Zoning Commissioner

June 30, 1988

NOTICE OF HEARING

The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County will hold a public hearing on the property identified herein in Room 106 of the County Office Building, located at 111 W. Chesapeake Avenue in Towson, Maryland as follows:

Petition for Special Hearing
CASE NUMBER: 89-41-SPH
Int. NW/3 Silver Lane and SE/3 Poplar Road
(2222 Poplar Road)
15th Election District - 5th Councilmanic
Petitioner(s): Red Eye Yacht Club
HEARING SCHEDULED: TUESDAY, AUGUST 23, 1988 at 9:00 a.m.

Special Hearing: Non-conforming use for parking and 25% expansion of non-conforming use for parking.

In the event that this Petition is granted, a building permit may be issued within the thirty (30) day appeal period. The Zoning Commissioner will, however, entertain any request for a stay of the issuance of said permit during this period for good cause shown. Such request must be in writing and received in this office by the date of the hearing set above or presented at the hearing.

J. ROBERT HAINES
Zoning Commissioner of
Baltimore County
cc: John A. Dellape
Jean K. Tullius
Mr. & Mrs. Beaman
File

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

TO: J. Robert Haines, Zoning Commissioner Date: July 11, 1988

FROM: P. David Fields, Director Office of Planning and Zoning

SUBJECT: Zoning Petition #89-36-SPH and #89-41-SPH

In view of the subject of these petitions, this office offers no comment.

P. David Fields
P. David Fields, Director
Office of Planning and Zoning

PDF/jat
cc: Shirley Hess, People's Counsel
J. G. Hoswell
Zoning File

Baltimore County
Zoning Commissioner
Office of Planning and Zoning
Towson, Maryland 21204

January 17, 1989

REF: Red Eye Yacht Club
Zoning Case #89-41 SPH

Dear Mr. J. Robert Haines,

I am against the parking area for several reasons. One being they do not maintain the property now used for parking. According to the layout it is still too close to our property. We have a 10 ft. cushion from our fence which is for Baltimore City, right of way and it is used by the Red Eye Yacht Club and the people who were living in the house. They parked right up against our fence and this is not a parking area. Also we have had numerous problems with the Red Eye Yacht Club concerning parking. We have complained to the patrons and were told they would do what they wanted. We live there and pay taxes but we have no rights. I personally along with MOST of the neighbors complained about the patrons parking on our property, in the middle of the roads, damaging our property, and blocking our drive-ways to the Red Eye Yacht Club and have heard that they would do nothing about it. I took up a petition to have no parking signs on both sides of Poplar and Silver so they could get emergency vehicles up and down and that we the community could get by safely. MOST of the community in that circle signed and we were turned down because the Red Eye did not sign the petition. They have affairs in the summer that I feel are unsafe. I have seen a limit posted on the amount of people who can be there safely in case of fire. The patrons are noisy, they speed up and down our roads, and I KNOW they leave under a few too many drinks. This is suppose to be a residential section. I have children and do not want one killed because I didn't try to stop things from getting worse.

If you allow this parking lot as is, I feel that it would harm the community even more than it has now. But if you do allow it, I would like to put in a request that they do not park right up against my fence, they do not park on the sides of my property or my neighbors, they pay for damages to my property (trees, shrubs, etc.), to have the trash picked up off the parking area (including beer cans and bottles) and the surrounding area on Silver and Poplar and that a privacy fence be put between the parking area and our property past our 10 ft. cushion and their 10 ft. cushion, and to leave the now existing trees there.

Sincerely,

Carol & Melvin Topa

Baltimore County
Zoning Commissioner
Office of Planning and Zoning
Towson, Maryland 21204
494-3353

J. Robert Haines
Zoning Commissioner

Date: 8/16/88

Mr. John A. Dellape
Red Eye Yacht Club
2222 Poplar Road
Baltimore, Maryland 21221

Re: Petition for Special Hearing
CASE NUMBER: 89-41-SPH
Int. NW/3 Silver Lane and SE/3 Poplar Road
(2222 Poplar Road)
15th Election District - 5th Councilmanic
Petitioner(s): Red Eye Yacht Club
HEARING SCHEDULED: TUESDAY, AUGUST 23, 1988 at 9:00 a.m. PP

Dear Mr. Dellape:

Please be advised that \$75.50 is due for advertising and posting of the above-referenced property. All fees must be paid prior to the hearing. Do not remove the sign and post set(s) from the property from the time it is posted by this office until the day of the hearing itself.

THIS FEE MUST BE PAID AND THE ZONING SIGN(S) AND POST(S) RETURNED ON THE DAY OF THE HEARING OR THE ORDER SHALL NOT BE ISSUED.

Please make your check payable to Baltimore County, Maryland and bring it along with the sign(s) and post(s) to the Zoning Office, County Office Building, Room 111, Towson, Maryland 21204 fifteen (15) minutes before your hearing is scheduled to begin.

Please note that should you fail to return the sign and post set(s), there will be an additional \$25.00 added to the above fee for each set not returned.

Very truly yours,

J. Robert Haines
J. ROBERT HAINES
Zoning Commissioner of
Baltimore County

JRH:gs

cc: Jean K. Tullius, Esq. killed mailed to atty only. 8/16/88 JKT

File

Mar - This file
is in my office
Please Refer

Wesley L. Hutton
President: Hally Hark Improvement Assoc.
2208 Poplar Rd.
Baltimore, Md. 21221

RECEIVED
JAN 20 1989

ZONING OFFICE

Dear Mr. Haines

I have received the parking layout plan from the Red Eye Yacht Club which is enclosed. As President of the Hally Hark Improvement Association, the name of the member is of such, that the parking lot would be promised gravel not a gravel before a permit is given.

Mr. Topa, Vice Pres. of the Assoc. and President of the Hally Hark Improvement Assoc. who's property borders on the lot is concerned with the parking spaces located along his property. Also, his concern with traffic flow, and what will prevent cars from not parking on the street for backing out.

As a resident, I am concerned also with the gravel and also are there any plans to will this be guaranteed, that the trees will stay, will there be a park? railroad this etc., is there something maybe in the future - after the permit is given?

Thanking you in
advance,
Wesley L. Hutton

